IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AS AIR, LLC,
 	
                Plaintiff,
 	
     v.
 	
AAS, INC. and DUSTIN S. BOURN,
 	
                Defendants.
	8:20CV145
	
	ORDER

This matter is before the Court on a Findings and Recommendation (Filing No. 13) issued by the magistrate judge[1] pursuant to 28 U.S.C. § 636(b)(1). The magistrate judge recommends the Court dismiss the case as to defendant AAS, Inc. for plaintiff AS Air, LLC's ("AS Air") failure to timely serve process as required by Federal Rule of Civil Procedure 4(m). On July 29, 2020, the magistrate judge ordered (Filing No. 12) AS Air to show cause why this case should not be dismissed as to AAS, Inc. for failure to prosecute and warned that the failure to comply with the order may "result in dismissal of the action as to defendant AAS, Inc. without further notice." AS Air did not respond to the show-cause order or object to the findings and recommendation. The deadline to object has now passed.

Pursuant to 28 U.S.C. 636(b)(1), the Court must "make a de novo review of . . . specified proposed findings or recommendations to which objection is made." The failure to object, however, "eliminates not only the need for de novo review, but *any* review by the district court." *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609, 619-20 (8th Cir. 2009); *see also Peretz v. United States*, 501 U.S. 923, 939 (1991) (explaining de novo

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[1]The Honorable Michael D. Nelson, United States Magistrate Judge for the District of Nebraska.

review is required "only when a party object[s] to the magistrate's findings or recommendations").
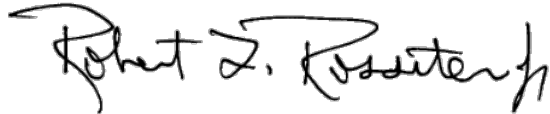
Because AS Air did not respond to the order to show cause and has not objected to the magistrate judge's findings and recommendation,

IT IS ORDERED:

1.   The Findings and Recommendation (Filing No. 13) is accepted.   Any objections are deemed waived.

2.   This case is dismissed as to defendant AAS, Inc. without prejudice.

Dated this 2nd day of September 2020.

BY THE COURT:

Robert F. Rossiter, Jr.
United States District Judge

2